

CLOSED

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:02-cv-06788-JS-ARL**

Robert v. The Central Intelligence Agency et al
Assigned to: Judge Joanna Seybert
Referred to: Magistrate Judge Arlene R. Lindsay
Cause: 05:552 Freedom of Information Act

Date Filed: 12/31/2002
Date Terminated: 02/15/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Charles Robert, II
also known as
Snowflake 5391

represented by **Charles R. Robert**
Kassoff, Robert, Lerner & Robert, LLP
100 Merrick Road
West Building – Suite 508
Rockville Centre, NY 11570
(516) 766-7700
Fax: (516) 766-0738
Email: charrobert@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

The Central Intelligence Agency

represented by **Diane C. Leonardo-Beckmann**
United States Attorneys Office
610 Federal Plaza
Central Islip, NY 11722
631-715-7854
Fax: 631-715-7920
Email: diane.beckmann@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan L. Riley
United States Attorney's Office
Eastern District of New York
610 Federal Plaza
Central Islip, NY 11722
(631) 715-7871
Email: Susan.Riley@usdoj.gov
TERMINATED: 02/16/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

The Department of Justice

represented by **Diane C. Leonardo-Beckmann**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan L. Riley
(See above for address)
TERMINATED: 02/16/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/31/2002	<u>1</u>	COMPLAINT against The Central Intelligence Agency, The Department of Justice (Filing fee receipt number 8282.) Summons Issued, filed by Charles Robert II. (Attachments: # <u>1</u> Civil Cover Sheet)(Duong, Susan) (Entered: 01/02/2003)
01/03/2003	2	SUMMONS Returned Executed by Charles Robert II. The Central Intelligence Agency served on 12/31/2002, answer due 1/20/2003; The Department of Justice served on 12/31/2002, answer due 1/20/2003. (Valle, Christine) (Entered: 01/09/2003)
02/07/2003	3	MOTION to Dismiss <i>pltff's complaint purs. to Rule 12(b)(6) of the F.R.C.P., filed</i> by The Central Intelligence Agency, The Department of Justice. (Fagan, Linda) (Entered: 02/21/2003)
02/07/2003	4	MEMORANDUM in Support re 3 MOTION to Dismiss <i>pltff's complaint purs. to Rule 12(b)(6) of the F.R.C.P., filed</i> by The Central Intelligence Agency, The Department of Justice. (Fagan, Linda) (Entered: 02/21/2003)
02/27/2003	5	Letter dated 2/24/03 from Charles Robert to Judge Seybert RE: The pltff requests the Court's approval of a modification of the Motion schedule of the dfts whereby the pltff's responding pleadings are to be served on 3/3/03. (Valle, Christine) (Entered: 03/07/2003)
02/27/2003		ENDORSED ORDER on 5 Letter. Application for an extension of time until 3/3/03 to file opposition papers is GRANTED. Signed by Judge Joanna Seybert on 2/27/03. EOD #5 C/F(Valle, Christine) (Entered: 03/07/2003)
03/06/2003	6	AFFIRMATION of Charles Robert in Opposition Re: 3 MOTION to Dismiss <i>pltff's complaint purs. to Rule 12(b)(6) of the F.R.C.P., filed</i> filed by Charles Robert II. (Valle, Christine) (Entered: 03/14/2003)
03/06/2003	7	MEMORANDUM in Opposition Re: 3 MOTION to Dismiss <i>pltff's complaint purs. to Rule 12(b)(6) of the F.R.C.P., filed</i> by Charles Robert II. (Valle, Christine) (Entered: 03/14/2003)
03/06/2003	8	AFFIDAVIT of Service – Copy of Memorandum of Law; and Affirmation served on Chief Susan Riley, Office of the U.S. Attorney via U.S. Postal Service on 3/5/03, filed by Charles Robert II. (Valle, Christine) (Entered: 03/14/2003)
06/06/2003	9	ORDER – Initial Conference set for 7/17/2003 at 02:00PM before Magistrate–Judge Arlene R. Lindsay. Signed by Judge Arlene R. Lindsay on 6/6/03. C/M (Valle, Christine) (Entered: 06/17/2003)
07/15/2003	10	ORDER – Due to a change in this Magistrate's schedule, the conference in this matter previously scheduled for 7/17/03 at 2:00PM, is hereby rescheduled for 8/18/03 at 2:00PM. Signed by Judge Arlene R. Lindsay on 7/15/03. C/F (Valle, Christine) (Entered: 07/30/2003)
08/18/2003	11	ORDER; The initial conference scheduled for today is adjourned until further notice . (Signed by Judge Arlene R. Lindsay on 8/18/03.) (Fagan, Linda) (Entered: 09/03/2003)
09/30/2003	12	MEMORANDUM AND ORDER; granting 3 Motion to Dismiss. Defts' motion to dismiss Pltff's Complaint, purs. to F.R.C.P. 8, is GRANTED. Pltff's Complaint is dismissed without prejudice to file an amended complaint, in accordance with Fed. R. Civ. P. 8, within 10 days from the date hereof. Further, Pltff is directed to file with his amended complaint a letter, no longer than three pages, indicating any other actions maintained in the Eastern District of New York by Pltff, the docket number for each action, the relief sought in each action and the final disposition.(Signed by JudgeJoanna Seybert on 9/30/03.) c/m (Fagan, Linda) (Entered: 09/30/2003)
10/03/2003	13	Letter dated 9/27/03 from Charles Robert to Judge Seybert RE: The pltff renews the request for an oral argument or for a settlement conference prior to 10/14/03. (Valle, Christine) (Entered: 10/09/2003)

10/03/2003		ENDORSED ORDER on 13 Letter. Application Denied. Signed by Judge Joanna Seybert on 10/3/03. EOD #13 C/M(Valle, Christine) (Entered: 10/09/2003)
10/07/2003	14	Letter dated 10/6/03 from Charles Robert to Judge Seybert RE: Per Your Honor's Memorandum & Order dated 9/30/03, please find enclosed courtesy copy of the amended complaint. To request that the Court consider scheduling a settlement conference to review the FOIA requested documents in camera and then seal the case file. (Valle, Christine) (Entered: 11/06/2003)
10/07/2003	15	AFFIDAVIT of Service for Amended Complaint served upon Chief Susan Riley on 10/6/03, filed by Charles Robert II. (Valle, Christine) (Entered: 11/06/2003)
10/07/2003	16	AMENDED COMPLAINT against The Central Intelligence Agency, The Department of Justice, filed by Charles Robert II.(Valle, Christine) (Entered: 11/06/2003)
01/30/2004	17	Letter from Charles Robert to Hon. Joanna Seybert, dated 1/26/04 re: To advise the Court that the enclosed Robert VI v. DOJ CV 04-269 (Garaufis, J), complaint has been filed as a related case to Robert IV v. DOJ, cv 02-1101 (Garaufis, J), and Robert V. v. DOJ, CV 03-4324 (Garaufis, J); that the complaint includes the same offer of settlement that has been made in Robert II v. CIA and DOJ, Robert IV v. DOJ, and Robert V v. DOJ whereby the FOIAs will be withdrawn if AG Ashcroft instructs SSA Commissioner Barnhart and HHS Secretary Thompson to implement the acquiescence policy as explained in the sworn 7/25/85 Congressional testimony of DAAG Kuhl, which was to replace the HS nonacquiescence policy of HHS General Counsel Juan de Real that was to have ended on 6/3/05; and that Chief Susan Riley is AG Ashcroft's counsel in all four cases and has been presented with the same offer of settlements in all of the cases; and to renew plttf's request for a settlement conference. (Fagan, Linda) (Entered: 04/14/2004)
04/01/2004	18	Letter dated 3/13/04 from Charles Robert to Judge Seybert Re: The plttf renews the request for a settlement conference. (Valle, Christine) (Entered: 04/15/2004)
04/01/2004		ENDORSED ORDER on 18 Letter. Parties are instructed to contact Magistrate Judge Lindsay with regard to scheduling a settlement conference. Signed by Judge Joanna Seybert on 4/1/04. EOD #18 C/M(Valle, Christine) (Entered: 04/15/2004)
04/09/2004	19	REPORT AND RECOMMENDATION; The undersigned recommends that this action be stayed until Charles Robert provides the court with a list of all Freedom of Information Act cases he has filed in the Eastern and Southern Districts of New York, including, but not limited to, those cases that he has commenced using the following names: Charles Robert; Charles Robert II; Charles Robert, II; Charles Robert III; Charles Robert IV; Charles Robert, V; Charles Robert, VI; Ruppert Counsel II; Ruppert Counsel III; Thierman-Ruppert Counsel IV; Stone Counsel, Ratisher-Cricch Counsel and Snowflake 5391. The plttf should also be directed to clarify the identity of each of these plttfs and, if any of these plttfs are in fact Charles Robert, his reason for using an alias. The undersigned further recommends that Mr. Robert be directed to provide a summary of the relief sought in each action. The undersigned will defer any further intervention in this matter until after the District Judge assigned to this case has had an opportunity to review this recommendation. Any objections to this Report and Recommendation must be filed with the Clerk of the Court with a courtesy copy to the undersigned within 10 days after being served with a copy of this Report. Failure to file objections within this period waives the right to appeal the District Court's Order. (Signed by Judge Arlene R. Lindsay on 4/9/04.) (Fagan, Linda) (Entered: 04/21/2004)
04/19/2004	20	OBJECTIONS to 19 Report and Recommendation by Charles Robert II. (Valle, Christine) (Entered: 05/05/2004)
04/19/2004	21	AFFIDAVIT of Service for Objections to Magistrate Report and Recommendation served upon Susan Riley, U.S. Attorney on 4/19/04, filed by Charles Robert II. (Valle, Christine) (Entered: 05/05/2004)
04/23/2004	22	Letter dated 4/22/04 from Susan L. Riley to Magistrate Lindsay Re: To request an enlargement of time to and including 4/26/04, to respond to plttf's Objections to Magistrate's Report and Recommendation. (Valle, Christine) (Entered: 05/11/2004)

04/23/2004		ENDORSED ORDER on 22 Letter. Application Granted. Signed by Judge Joanna Seybert on 4/23/04. EOD #22 C/F(Valle, Christine) (Entered: 05/11/2004)
04/27/2004	23	Letter dated 4/26/04 from Susan L. Riley to Judge Seybert Re: In response to plttf-attorney's request for a settlement conference and plttf's objections to the Report and Recommendation of Magistrate Lindsay dated 4/9/04. In addition, to request that the Court consider screening future FOIA cases filed by the plttf. (Valle, Christine) (Entered: 05/13/2004)
04/30/2004	25	Letter dtd. 4/28/04 from Charles Robert to Hon. J. Seybert stating that rather than granting Chief Riley's request for a stay of the requested settlement conference, the court should consider ordering a briefing schedule. (See Report and Recommendation, #24 signed by Judge Seybert, 5/12/04) (Barhome, Sydelle) (Entered: 06/15/2004)
05/12/2004	24	ORDER dtd. 5/12/04 granting 19 Report and Recommendations. Plf is ordered to submit a list of all similar cases which have been brought in the Eastern District of New York, the names of the parties involved, the civil case number, the Judge currently assigned to the matter, the current disposition of the case, the relief sought in the case. Once this information is reviewed, this Court will be able to determine if a consolidation of cases is appropriate. (Due within 30 days of the date of this order, failure to do so will result in a dismissal of this action.. Signed by JudgeJoanna Seybert on 5/12/04. (Barhome, Sydelle) (Entered: 06/15/2004)
06/14/2004	26	COMPLIANCE WITH THE MAY 12, 2004 ORDER affirming Mag. J. Lindsay's 4/9/04 Report &Recommendatun and supplements the assertions as presented in the plf's 4/19/04 Objections to the Report &Recommendation.(Barhome, Sydelle) (Entered: 06/29/2004)
06/14/2004	27	AFFIDAVIT of Service for Plf's Compliance Affirmation served on Chief Susan Riley, Office of US Attorney Brooklyn on 6/11/04, filed by Charles Robert II. (Barhome, Sydelle) (Entered: 06/29/2004)
06/17/2004	28	SUPPLEMENTAL COMPLIANCE by Charles Robert II Re: 24 5/12/04 Order. (Valle, Christine) (Entered: 07/01/2004)
06/17/2004	29	AFFIRMATION OF SERVICE by Charles Robert II Re: 28 Supplemental Compliance Affirmation served upon Chief Susan Riley via United States Postal Service on 6/16/04. (Valle, Christine) (Entered: 07/01/2004)
11/02/2004	<u>30</u>	LETTER dtd 10/15/04 from Counsel for Plaintiff to Judge Seybert Regarding Request that the attached October 1, 2004 Declaration of DOJ Counsel for Intelligence Policy James A. baker be included in the Robert II v CIA and DOJ Record. The plaintiff renews his request for a settlement conference (Entered: 11/16/2004)
02/09/2005	<u>31</u>	Letter from Charles Robert to Judge Seybert dated 2/8/05 Re: To cite cases as authority for this Court to read in camera the "North Notebook" documents that the govt withholds based on FOIA Exemption 1. (Valle, Christine) (Entered: 02/10/2005)
03/16/2005	<u>33</u>	Letter from Charles Robert to Judge Seybert dated 3/10/05 Re: To advise the Court that Judge Garaufis rendered a 3/1/05 Memorandum and Order dismissing the FOIA Robert VII v. DOJ 04cv1961. Plttf will be filing the appeal of the FOIA Exemption 1 decision on 3/31/05. (Valle, Christine) (Entered: 06/07/2005)
05/26/2005	<u>32</u>	Letter from Charles Robert to Judge Seybert dated 5/19/05 Re: The Court is advised that on 5/17/05 at the Second Circuit Court of Appeals pre-argument Robert v. DOJ conference, AUSA Mahoney again rejected the plttf's offer of settlement. Additionally, to request a settlement conference. (Valle, Christine) (Entered: 05/27/2005)
02/16/2006	<u>34</u>	Letter dated 2/13/06 by Charles Robert, II. Plaintiff renews request for settlement conference. (Nohs, Bonnie) (Entered: 02/16/2006)
02/16/2006		Case reassigned to Judge Joseph F. Bianco. Judge Joanna Seybert no longer assigned to the case. (Bowens, Priscilla) (Entered: 02/24/2006)

03/07/2006		Judge Bianco recused himself. Case returned to Judge Joanna Seybert. Judge Joseph F. Bianco no longer assigned to case. (Vaughn, Terry) (Entered: 03/07/2006)
03/07/2006	<u>35</u>	ORDER: I recuse myself pursuant to 28 U.S.C. s. 455. Ordered by Judge Joseph F. Bianco on 03/07/2006. (Bianco, Joseph) (Entered: 03/07/2006)
03/08/2006	<u>36</u>	Letter dated 2/20/06 by Charles Robert supplementing his <u>34</u> letter dated 2/13/06 requesting settlement conference. (Nohs, Bonnie) (Entered: 03/08/2006)
03/14/2006	<u>37</u>	Letter dtd 3/3/06 by Charles Robert, II. to Judge Bianco regarding a request for a conference to discuss whether Your Honor should consider declining the reassignment because of potential recusal issues (Sica, Michele) (Entered: 03/14/2006)
03/14/2006	<u>38</u>	NOTICE OF NON-COMPLIANCE (c/m w/letters to Plaintiff) (Nohs, Bonnie) (Entered: 03/14/2006)
04/25/2006	<u>39</u>	Letter dated 4/15/06 from Charles Robert informing Court of Second Circuit affirmance of related case's dismissal. (Nohs, Bonnie) (Entered: 04/25/2006)
05/04/2006	<u>40</u>	NOTICE OF NON-COMPLIANCE. (c/m with letter to Plaintiff) (Nohs, Bonnie) (Entered: 05/04/2006)
01/22/2007	<u>41</u>	Letter from Charles Robert to Judge Seybert dated 1/17/07 Re: To inform the Court that the Supreme Court denied the Robert VII v. DOJ, Docket 06-743, petition for a writ of certiorari. Additionally, plttf renews his request for a settlement conference. (Valle, Christine) (Entered: 01/24/2007)
01/29/2007	<u>42</u>	Letter from Charles Robert, II, to Hon. Joanna Seybert dated 1/26/07 re: request for settlement conference to present accurate facts to the Court and the congressional oversight committees. (Mahon, Cinthia) (Entered: 02/14/2007)
02/21/2007	<u>43</u>	ORDER re: <u>42</u> Letter. Application DENIED. The Court will entertain a future application upon joint request among the parties for a settlement conference. Ordered by Judge Joanna Seybert on 2/20/2007. (c/ECF) (Nohs, Bonnie) (Entered: 02/21/2007)
05/13/2008	<u>44</u>	Letter from Charles Robert to Judge Seybert dated 5/12/08 Re: To inform the Court that Pltff has filed a request with the NARA Public Interest Disclosure Board regarding FOIA requests. (Valle, Christine) (Entered: 05/29/2008)
09/26/2008	<u>45</u>	Letter from Charles Robert to Judge Seybert dated 9/26/08 Re: Supplement to Pltff's letter of 5/12/08. (Valle, Christine) (Entered: 10/17/2008)
10/16/2008	<u>46</u>	Letter from Charles Robert to Judge Seybert dated 10/16/08 Re: Supplement to Pltff's 9/26/08 letter. (Valle, Christine) (Entered: 10/20/2008)
11/18/2011		Magistrate Judge Gary R. Brown added. Magistrate Judge Arlene R. Lindsay no longer assigned to case. (Bowens, Priscilla) (Entered: 11/18/2011)
11/21/2011		Case reassigned to Magistrate Judge William D. Wall. Case was erroneously reassigned to Magistrate Judge Gary R. Brown. (Gapinski, Michele) (Entered: 11/21/2011)
11/21/2011		Data entry error. Case returned to Magistrate Judge Arlene R. Lindsay. Magistrate Judge William D. Wall no longer assigned to case. (Gapinski, Michele) (Entered: 11/21/2011)
11/28/2011	<u>47</u>	Notice of Impending Dismissal. Plaintiff has 15 days from the date of this Order to file an explanation or the case will be dismissed. (c/m to Plaintiff at both addresses) (Nohs, Bonnie) (Entered: 11/28/2011)
12/09/2011	<u>48</u>	Letter MOTION for Leave to File <i>Supplemental Affidavit by 1/13/12; and in response to 11/28/11 Order</i> , by Charles Robert, II. (Valle, Christine) (Entered: 12/12/2011)
12/12/2011	<u>49</u>	AFFIDAVIT in Opposition Re: <u>47</u> Notice of Impending Dismissal by Charles Robert, II. Attachments: # <u>1</u> Part 2; # <u>2</u> Affidavit of Service. (Valle, Christine) (Entered: 12/14/2011)

12/15/2011		ORDER denying <u>48</u> Motion for Leave to File. Plaintiff's request to file a supplemental affidavit is DENIED. Ordered by Judge Joanna Seybert on 12/15/2011. (Karneeb, Kelly) (Entered: 12/15/2011)
12/15/2011	<u>50</u>	Letter from Charles Robert to Clerk dated 12/14/11 Re: Letter to Judge Seybert and Corrected Affidavit enclosed for filing. (Valle, Christine) (Entered: 12/16/2011)
12/15/2011	<u>51</u>	Letter from Charles Robert to Judge Seybert dated 12/14/11 Re: To advise that Plaintiff has filed a "corrected" affidavit to include new chronological Section VV regarding NARA letter. (Valle, Christine) (Entered: 12/16/2011)
12/15/2011	<u>52</u>	"CORRECTED" AFFIDAVIT in Opposition Re: <u>47</u> Notice of Impending Dismissal by Charles Robert, II. (Valle, Christine) (Entered: 12/16/2011)
02/06/2012	<u>53</u>	Letter from Charles Robert to Judge Seybert dated 2/3/12 Re: Status letter regarding Plaintiff's prosecution plan seeking settlement. (Valle, Christine) (Entered: 02/09/2012)
02/15/2012	<u>54</u>	ORDER – The Court interprets Plaintiff's letter as a request for a stay pending resolution of the NARA facilitation process. Plaintiff's request for a stay is DENIED. Rather, the Court ORDERS that this case be administratively closed without prejudice subject to reinstatement upon application to this Court. Plaintiff is ORDERED to file a status report with the Court by August 15, 2012. The Clerk of the Court is directed to administratively close this case and to mail a copy of this Order to the pro se Plaintiff. So Ordered by Judge Joanna Seybert on 2/15/12. C/M; C/ECF (Valle, Christine) (Entered: 02/17/2012)
08/15/2012	<u>55</u>	Letter from Charles Robert to Judge Seybert dated 8/15/12 Re: Status letter regarding Plaintiff's prosecution plan seeking settlement. (Attachments: # <u>1</u> status affidavit, # <u>2</u> affidavit of service) (Florio, Lisa) (Entered: 08/20/2012)
03/04/2013	<u>56</u>	Letter from Charles Robert to Judge Seybert dated 2/28/12 Re: To inform the Court that on 2/26/13 the Supreme Court rendered its Clapper v. Amnesty decision; and that Plaintiff will request a summary judgment pre-motion conference by letter on 3/25/13. (Valle, Christine) (Entered: 03/12/2013)
03/25/2013	<u>57</u>	Letter from Charles Robert to Judge Seybert dated 3/25/13 Re: To enclose Plaintiff's Local Civil Rule 56.1 Statement of Material Facts on Motion for Summary Judgment as to undisputed facts. (Valle, Christine) (Entered: 04/01/2013)
03/25/2013	<u>58</u>	LOCAL RULE 56.1 STATEMENT of Material Facts on Motion for Summary Judgment, filed by Charles Robert, II. (Valle, Christine) (Entered: 04/01/2013)
04/10/2013	<u>59</u>	Letter to the Honorable Joanna Seybert in response to Plaintiff's letter dated March 25, 2013 by The Central Intelligence Agency, The Department of Justice (Leonardo-Beckmann, Diane) (Entered: 04/10/2013)
04/15/2013	<u>60</u>	Letter from Charles Robert to Judge Seybert dated 4/11/13 Re: In response to the 4/10/13 letter from Diane Leonardo, AUSA. (Coleman, Laurie) (Entered: 04/19/2013)